

# **EXHIBIT 15**

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*Counsel for Defendants Hudson Group (HG) Retail, LLC  
 and Airport Management Services, LLC*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

MOHAMMED NABI and RIFAT RIZVI,  
*on behalf of themselves, FLSA Collective  
 Plaintiffs and the Class,*

Plaintiffs,

-against-

HUDSON GROUP (HG) RETAIL, LLC,  
 AIRPORT MANAGEMENT  
 SERVICES, LLC and JOHN DOES 1-10,

Defendants.

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Case No. 14 CIV 4635 (VEC)

ECF Case

### DECLARATION OF RAFIQUK KHANDER

I, Rafiquk Khander, declare as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently as to their accuracy.
2. I currently work as a Merchandise/Operations Manager at Hudson's Grand Central Station operations in New York, New York.
3. I was initially hired as an Expeditor at Hudson's Port Authority operations on July 14<sup>th</sup>, 1993. I requested a promotion in April 2008, and was promoted to Merchandise Manager on April 15<sup>th</sup>, 2008, putting me in charge of the candy warehouse at Port Authority. In August 2014, I was transferred to Hudson's Grand Central Station operations.
4. I have a Bachelor's Degree from Rajinder College in Bangladesh. Prior to joining Hudson, I was a Manager at a garment factory in India.
5. Since I began work as a Hudson Manager, I have received a weekly salary which exceeds \$455 per week. I have not experienced any deductions in salary for partial-day absences. My salary is not reduced for variations in the quality or quantity of my work.

- 1 6. I check into work using the Kronos system, which is an electronic thumbprint  
2 identification system. I do not clock or stamp out of work when I leave the facility.
- 3 7. Notices addressing employees' New York Labor Law, FLSA, and overtime compensation  
4 rights are clearly and prominently posted on the employee poster board located in the  
5 employee locker room.
- 6 8. As a Merchandise/Operations Manager, I dress in business casual. The hourly staff wears  
7 Hudson logo shirts.
- 8 9. Hudson's Grand Central Station operations consist of five (5) retail locations. Two (2)  
9 retail locations are located within Grand Central, open seven days a week during both the  
10 day and the evening. The other three (3) locations are in office buildings located at 335  
11 Madison Avenue; The Biltmore and 347 Madison Avenue and are open weekdays during  
12 both the day and night.
- 13 10. Hudson's Port Authority operations consisted of twelve (12) retail stores, and two (2)  
14 warehouses. Generally, if I was on the selling floor, I covered two (2) to three (3) stores  
15 each shift, along with other managers that were on-duty.
- 16 11. As Merchandise/Operations Manager, my duties included: ensuring stores are well  
17 stocked, merchandised, and neat at all times; ensuring that my staff and I make every  
18 attempt to maximize sales for the company; canvassing the retail locations and  
19 coordinating the restocking of merchandise; pricing of merchandise; coordinating  
20 inventory counts (i.e. cigarettes, phone cards, beverages, etc.); training new employees;  
21 personally providing and ensuring that my staff provides outstanding customer service;  
22 implementing company policies and procedures; coordinating with the warehouse to  
23 ensure product availability and inventory levels; inventory control; and ensuring the  
24 smooth operation of all daily functions.
- 25 12. As Merchandise/Operations Manager, I also opened and closed stores. This was a  
26 responsibility that only Managers could perform.
- 27 13. I also handle accounts with the company's primary vendors, such as Coke, Godiva,  
28 Resnick, and Jetway Snacks.

- 1 14. I utilize independent judgment and discretion when performing my duties. For example, I  
2 decide what items to order, with the goal of maximizing sales for the company. I also  
3 regularly make suggestions to the General Manager on merchandise and products to carry.  
4 My responsibility for keeping inventory levels appropriately stocked is important for the  
5 company's profitability. This requires expertise and an understanding of variances, such  
6 as incorrect orders, miscounts, over-orders, and more. If we are short on manpower to  
7 conduct a proper inventory, I will conduct "blind man" orders to make sure the company's  
8 inventory levels are appropriately stocked.
- 9 15. I regularly supervised numerous hourly associates, and directed Expeditors to distribute  
10 merchandise to the stores
- 11 16. If I am on vacation, the General Manager will cover my duties.
- 12 17. I spend more than half my time performing managerial duties, directing employees on  
13 how to receive inventory, how to return products to vendors, and how to display the  
14 merchandise in the retail stores.
- 15 18. If an employee is insubordinate and/or does not follow instruction, I have the authority to  
16 give warnings, correct employee behavior, and will report the employee to the General  
17 Manager for formal discipline.
- 18 19. With my staff, I am strict in making sure they perform their duties. Overall I have a  
19 relaxed management style, but am assertive when necessary.
- 20 20. My supervisor is the General Manager, who does not constantly watch or supervise my  
21 daily activities. I also provide input and have the authority to make recommendations to  
22 him regarding the hiring, discipline (up to and including termination), advancement, and  
23 promotion of the hourly staff.
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1 I declare under penalty of perjury under the laws of the State of New York and the United States  
2 of America that the foregoing is true and correct and that this declaration was executed this 01  
3 day of 01/, 2015, at New York, New York.

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5 \_\_\_\_\_  
6 RAFIQL KHANDER

# EXHIBIT 16

DLA PIPER LLP (US)  
1251 Avenue of the Americas  
New York, New York 10020  
Tel.: (212) 335-4500  
Fax: (212) 335-4501  
*Counsel for Defendants Hudson Group (HG) Retail, LLC  
and Airport Management Services, LLC*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
MOHAMMED NABI and RIFAT RIZVI,  
*on behalf of themselves, FLSA Collective  
Plaintiffs and the Class,*

Plaintiffs,

Case No. 14 CIV 4635 (VEC)

-against-

ECF Case

HUDSON GROUP (HG) RETAIL, LLC,  
AIRPORT MANAGEMENT  
SERVICES, LLC and JOHN DOES 1-10,

Defendants.  
----- X

**DECLARATION OF ANNA KOVALYK**

I, Anna Kovalyk, declare as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently as to their accuracy.
2. I currently work for Airport Management Services, LLC, a subsidiary of Hudson Group (HG) Retail, LLC, (collectively "Hudson") at its Seattle-Tacoma Airport operations in SeaTac, Washington.
3. I was hired by Hudson in May 2005 as an Assistant Operations Manager, and was paid on a salary basis. I was promoted to Operations Manager within 8 months. I was then promoted to Human Resources ("HR") Manager in 2011.
4. Since I began working at Hudson, I have always received a weekly salary which exceeds \$455 per week, and I have not experienced any deductions in salary for partial-day absences. My salary is not reduced for variations in the quality or quantity of my work.
5. Hudson's SeaTac Airport operations consist of twenty-two (22) retail locations interspersed throughout the Airport, and one primary warehouse, which is located outside

1 of the Airport. There are five concourses at SeaTac. As Operations Manager, I was  
2 responsible for managing the Hudson retail locations located in one of the five SeaTac  
3 concourses, which included between four (4) to five (5) stores depending on the  
4 concourse. Sometimes Operations Managers have responsibility for three (3) stores, when  
5 their coverage includes certain high volume stores combined with low volume stores,  
6 allowing managers time to focus on the needs of all of their store.

7 6. The management structure is comprised of the General Manager ("GM"), Jacob Carlson,  
8 various Operations Managers (sometimes referred to at Sea-Tac as Store Managers),  
9 Assistant Operations Managers, Warehouse Managers, and myself as Human Resources  
10 Manager. We are all paid on a salary basis. Overall there are approximately 29 salaried  
11 managers who supervise approximately 189 hourly employees, including both union and  
12 non-union employees.

13 7. As Managers, we hold daily meetings during the shift change between AM and PM, to  
14 allow Managers to discuss operational issues. These daily meetings are attended by  
15 myself (as Human Resources Manager), administrative/accounts payable manager, a  
16 General Manager and/or Assistant General Manager, and the Warehouse Manager (if  
17 available).

18 8. Managers also attend regular and periodic meetings where we discuss a number of  
19 management and operational issues, including but not limited to sales, profitability,  
20 discontinued items, new developments at the company, revenue goals, merchandising, and  
21 customer service. These meetings are held periodically during the slow season, and more  
22 frequently during the busy season. For example, during the summer, Manager meetings  
23 may be held as often as once a week or more if necessary.

24 9. As both Human Resources Manager and Operations Manager, I have always dressed in  
25 business casual. The hourly staff wear Hudson logo shirts.

26 10. As Operations Manager, I was responsible for the Morning Shift, and supervised  
27 approximately thirteen (13) employees each day, distributed throughout my concourse at  
28 five (5) Hudson News Gift Shops and one (1) Hudson News Bookstore. My day-to-day



1 managerial duties involved opening up the stores at 4:00 a.m., getting cashiers checked  
2 into the registers, and making sure tables and merchandise displays were properly set up.

3 11. As Operations Manager, I spent approximately 90% of my day performing managerial  
4 duties, examples of which are discussed in further detail below.

5 12. I regularly appraised employee productivity. In this regard, I prepared Hudson Group  
6 Sales Associate Evaluation Forms, whereby I evaluated hourly staff in a number of areas,  
7 including whether they dressed appropriately, offered friendly greetings to customers,  
8 offered assistance to ensure that customers found what they were looking for, upsold or  
9 suggested appropriate add-on items, provided quick and accurate service, and their overall  
10 level of friendliness to customers. Such evaluations were also regularly performed by my  
11 Assistant Operations Managers.

12 13. I also handled both employee and customer complaints, and disciplined employees if  
13 necessary. For example, in November 2008, I received a complaint that a cashier, Lynn  
14 Amato, was harassing and bullying others. I investigated the matter by watching the  
15 security surveillance videos and speaking to other associates to corroborate the  
16 complainant's story. Upon the conclusion of my investigation, I spoke to the employee  
17 and wrote her up, informing her that further disciplinary action could lead to termination.

18 14. I am authorized to, and have on a number of occasions, disciplined employees. In  
19 addition to disciplining Lynn Amato as explained above, I have sent workers home for  
20 numerous reasons, including failure to follow company policies, insubordination, and not  
21 wearing proper uniforms. For example, in November 2010, one of my staff members,  
22 Ladan Jama, showed up at work with her nose pierced. I explained this was against  
23 Hudson policy prohibiting such piercings while at work, and directed her to remove it.  
24 The employee refused, started arguing, and eventually was sent home by myself and  
25 another manager as a witness. I have also sent employees home for showing up at work in  
26 inappropriate clothing, such as hooded sweatshirts.

27 15. As Operations Manager, I controlled employee break schedules. For example, I directed  
28 employees as to when to take their breaks<sup>3</sup>, and ensured that there were at least two (2)

1 cashiers open in each location at all times. I utilized independent judgment and discretion  
2 in order to facilitate my management of employee breaks, and devised a chart system for  
3 tracking employees' breaks so that I know where all employees are at all times for  
4 scheduling purposes. In part, this came about because employees were unhappy with  
5 coworkers spending too long on their breaks and leaving them without relief.

6 16. I regularly trained employees in the performance of their duties. For example, I showed  
7 them how to use the cash register system, how to use the credit card authorization  
8 machine, and how to process discounts. I also instructed employees on how to properly  
9 display merchandise in a presentable and appealing manner. For example, I instructed  
10 employees on how to arrange souvenirs (i.e. ensuring that the tallest souvenirs are in the  
11 middle of the displays while the smallest souvenirs are on the sides) and T-shirts (i.e.  
12 ensuring that all size stickers are placed in the same location and merchandise is organized  
13 in an orderly fashion). If I noticed that any merchandise is not displayed properly, I  
14 would direct an associate to correct it, and if necessary, instruct the associate on how to  
15 properly arrange the merchandise. I regularly spot checked the work of my staff, and was  
16 accountable for their performance.

17 17. As an Operations Manager, I was also responsible for cash handling and safekeeping. For  
18 example, I was present in the morning with my associates when we did cash counts for the  
19 registers, each of which contain \$500 at the start of the shift. I was responsible for  
20 correcting any cash shortages or overages. I was also responsible for all of the cash in the  
21 Hudson locations in my concourse, and had access to a designated concourse cash safe,  
22 which contained \$3,000. I distributed change to the five (5) Hudson locations in my  
23 concourse from this safe.

24 18. In addition to the duties described above, I also regularly utilized discretion and  
25 independent judgment by deciding what products and merchandise to display at the front  
26 of each store. I analyzed Top 20 Weekly Reporters to assess sales activity in order to  
27 satisfy customer demands.

1 19. I ran the day-to-day operations of my locations; the GM checked in with me only  
2 periodically.

3 20. As HR Manager, I'm responsible for time and attendance, disciplining employees,  
4 documenting discipline for Operations Managers, keeping track of vacation and sick time,  
5 coordinating the Out-In-Front Program (a heightened customer service program to  
6 increase sales), communicating with different Port officials, preparing quarterly reports to  
7 the Port of Seattle Credentials Center, managing union employee health insurance,  
8 ensuring that appropriate hours are reported, making sure day-to-day employee needs are  
9 met, and more. I have a Human Resources assistant to alleviate some of my  
10 responsibilities.

11 21. My Operations Managers have authority to discipline employees on the spot, and do not  
12 need to seek HR or GM approval. My Operations Managers generally keep me in the  
13 loop, but do not have to seek approval from myself or the GM to discipline anyone.

14 22. Sea-Tac has three Hudson Bookseller operations, which are managed by an Operations  
15 Manager with a specialized Books Operation background and knowledge. Her name is  
16 Sandra Monk, and she generally runs daily operations like other Operations Managers. A  
17 couple days a week, however, she is assigned to the Hudson Bookseller operations to  
18 make sure they are running properly, train Associates in Book operations, ensure Book  
19 promotions are displayed properly, conduct spot audits, place special Book orders, and  
20 more.

21 23. At all times, I am responsible for and overseeing the performance of staff members'  
22 duties.

23 I declare under penalty of perjury under the laws of the State of Washington and the United  
24 States of America that the foregoing is true and correct and that this declaration was executed this  
25 23 day of December, 2014, at SeaTac, Washington.

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28 -5- ANNA KOVALYK

# EXHIBIT 17

DLA PIPER LLP (US)  
1251 Avenue of the Americas  
New York, New York 10020  
Tel.: (212) 335-4500  
Fax: (212) 335-4501  
*Counsel for Defendants Hudson Group (HG) Retail, LLC  
and Airport Management Services, LLC*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MOHAMMED NABI and RIFAT RIZVI,  
*on behalf of themselves, FLSA Collective  
Plaintiffs and the Class,*

Plaintiffs,

Case No. 14 CIV 4635 (VEC)

-against-

ECF Case

HUDSON GROUP (HG) RETAIL, LLC,  
AIRPORT MANAGEMENT  
SERVICES, LLC and JOHN DOES 1-10,

Defendants.  
----- X

# **DECLARATION OF HABIB MAZUMDER**

I, Habibullah Mazumder, declare as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently as to their accuracy.
2. I currently work as an Operations Manager at Hudson's Grand Central Station operations in New York, New York.
3. In 2006, I was hired as a salaried Operations Manager. Prior to working at Hudson, I worked as a manager for Riese Restaurants, and was employed as a General Manager of Le Croissant Shop.
4. I have a Bachelor of Science degree in Math and Science from a university in my native country of Bangladesh.
5. Since I began work as a Hudson Manager, I have received a weekly salary which exceeds \$455 per week. I have not experienced any deductions in salary for partial-day absences. My salary is not reduced for variations in the quality or quantity of my work.

- 1 6. I generally manage employees during the PM/night shift, which begins at approximately  
2 1:30 p.m. and lasts until approximately 1:30 a.m. The General Manager is not on duty at  
3 night, so she relies on me as her eyes and ears.
- 4 7. I am more of a coach and counsel type of manager – I will note what the issue is, counsel,  
5 and retrain the employee.
- 6 8. I check into work using the Kronos system, which is an electronic thumbprint  
7 identification system. I do not clock or stamp out of work when I leave the facility.
- 8 9. Hudson's Grand Central Station operations consist of five (5) retail locations. Two (2)  
9 retail locations are located within Grand Central, open seven days a week during both the  
10 day and the evening. The other three (3) locations are in office buildings located at 335  
11 Madison Avenue; The Biltmore and 337 Madison Avenue and are open weekdays during  
12 both the day and night.
- 13 10. Notices addressing employees' FLSA and overtime compensation rights are clearly and  
14 prominently posted on the employee poster board located in the employee locker room.
- 15 11. The General Manager's Office is located at 420 Lexington, in an office building inside of  
16 Grand Central Station, which is also where the cash room and bookkeeping operations are  
17 located.
- 18 12. As an Operations Manager, I share supervision of approximately eighteen (18) Sales  
19 Associates and Watchmen during my shift, spread out over the five retail locations. I  
20 generally walk the floor and rotate amongst all five retail locations during my shift,  
21 checking on the operations.
- 22 13. As an Operations Manager, I dress in business casual. The hourly staff wears Hudson  
23 logo shirts.
- 24 14. As Operations Manager, an important responsibility of my job is maximizing sales. I am  
25 always looking for business opportunities for the company. I accomplish this by ensuring  
26 my hourly staffs are following Hudson's company policies, including its customer service  
27 policies. I train my sales associates to always be friendly and upsell by, for example,  
28 always asking customers if they want a<sup>2</sup> bottle of water with every purchase. This has

1 boosted the sales of water and made it a best selling item at the Grand Central Station  
2 operations. I always talk with Sales Associates, and give them customer service tips – to  
3 make sure they are upselling Diet Coke, Vitamin Water, Seltzer Water, magazines, books,  
4 snacks, and more. I train Watchmen to do this also.

5 15. I give daily customer service tips to my staff, such as how to properly greet customers and  
6 say goodbye. We are professional people. I don't like to see any employee look negative  
7 at all; they must do their best to make customers happy.

8 16. I also help maximize sales by assessing customers' needs, and ensuring the retail locations  
9 carry all the products customers are demanding. If customers seek an item that our stores  
10 do not carry, such as a specific magazine title, I will make a recommendation to my  
11 General Manager that we carry the product going forward.

12 17. I also evaluate sales activity by notifying the General Manager when an item is a  
13 "sleeping product", which is an item that is not selling and taking up merchandise space  
14 on the selling floor. When a vendor promotes a new product, I will evaluate it before  
15 determining whether to recommend it to the General Manager.

16 18. The General Manager will set a sales goal and target for each day – which I try to beat.  
17 Every morning, I take an X-Reading from the registers, which tells me the prior shift's  
18 purchases and sales. I will then set my own sales goals and targets for my shift, to beat  
19 the General Manager's number. If we beat our monthly goals by 1% each period, Grand  
20 Central managers (including me) will get a bonus.

21 19. I therefore manage traffic flow so there is quicker service and customer lines move fast. I  
22 make sure cashiers are working efficiently, and I motivate Sales Associates to expedite  
23 each transaction quicker - in and out as fast as possible. At big stores, like No. 8, I make  
24 sure cashiers are spread out around the store, and that my watchmen are keeping inventory  
25 full. While I will pitch in to help when busy, I spend over half my time managing the  
26 hourly staff.

27 20. As an Operations Manager, I am held accountable for any theft or shrink (internal or  
28 external) that occurs when I am on duty.<sup>-3-</sup>

- 1 21. At the retail locations, I make sure that associates are keeping a watchful eye on  
2 customers to prevent theft, such as when customers place expensive magazines within  
3 inexpensive newspapers to avoid paying for the item. Additionally, when receiving orders  
4 from the warehouse, I inspect the boxes to make sure they delivered with the seal intact  
5 and have not been tampered with.
- 6 22. To minimize shrink, I also implement company policy by making sure that merchandise  
7 transferred from store to store follows protocol – it must be inventoried, and signed by the  
8 receiving and shipping managers.
- 9 23. I am also accountable for the proper display and merchandizing of retail products. I am  
10 responsible for implementing Hudson policies regarding merchandising and customer  
11 service. I emphasize teamwork with my associates and correct them if they make  
12 mistakes.
- 13 24. I keep track of the hourly employees' work, and based on my observations, make  
14 recommendations to the General Manager regarding their performance and productivity.  
15 The General Manager will seriously consider my recommendations. I also randomly spot  
16 check hourly staff members' cash registers to make sure they are doing their jobs  
17 correctly.
- 18 25. As an Operations Manager, I train and coach new employees in the day-to-day  
19 performance of their duties and give daily training to current employees regarding proper  
20 customer service and how to handle the rush hour crowds. I also train associates on how  
21 to watch for theft and how to politely ask individuals about items they may have forgotten  
22 to pay for.
- 23 26. I also address employee complaints. For example, when a company policy was recently  
24 implemented to reduce shrink by issuing more warnings in the case of overages and  
25 shortages, I helped finesse the situation by explaining the importance of this policy to our  
26 hourly staff.
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- 1 27. When associates become sick or wish to leave work early, they must check with an  
2 Operations Manager. If the General Manager is available I will run the decision by him,  
3 but I do have the authority to independently send the employee home.
- 4 28. At the end of the shift, I enter the day's operational events into a Manager Logbook for  
5 the General Manager's review.
- 6 29. I attend manager meetings organized by the General Manager, where I provide input on  
7 the operations and we discuss operational issues as a group. The General Manager will  
8 seriously consider my recommendations and I am usually free from direct supervision by  
9 the General Manager. I provide input and have the authority to make recommendations to  
10 him regarding the hiring, discipline (up to and including termination), advancement, and  
11 promotion of the hourly staff.

12 I declare under penalty of perjury under the laws of the State of New York and the United States  
13 of America that the foregoing is true and correct and that this declaration was executed this 29  
14 day of October, 2014, at New York, New York.

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17 HABIB MAZUMDER 1  
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# EXHIBIT 18

DLA PIPER LLP (US)  
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*Counsel for Defendants Hudson Group (HG) Retail, LLC  
 and Airport Management Services, LLC*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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 MOHAMMED NABI and RIFAT RIZVI,  
*on behalf of themselves, FLSA Collective  
 Plaintiffs and the Class,*

Plaintiffs,

Case No. 14 CIV 4635 (VEC)

-against-

ECF Case

HUDSON GROUP (HG) RETAIL, LLC,  
 AIRPORT MANAGEMENT  
 SERVICES, LLC and JOHN DOES 1-10,

Defendants.  
 ----- X

### DECLARATION OF YVONNE MONTERO

I, Yvonne Montero, declare as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently as to their accuracy.
2. I currently work for Airport Management Services, LLC, a subsidiary of Hudson Group (HG) Retail, LLC, (collectively "Hudson") at its Newark Airport operations.
3. I was hired in approximately October 2009 as a cashier at Hudson's Newark Airport operations. I was promoted to hourly Supervisor, and then about one year later, I was promoted to Operations Manager.
4. Since I began working as a Hudson Manager, I have always received a weekly salary which exceeds \$455 per week, and I have not experienced any deductions in salary for partial-day absences. My salary is not reduced for variations in the quality or quantity of my work.

- 1 5. I work at Terminal A of Newark Airport, which is comprised of approximately nine (9)
- 2 stores, including Hudson News newsstands, one Hudson Bookseller, one Tech-on-the-Go
- 3 electronics store, and one Papyrus greeting card store.
- 4 6. As Operations Manager, I dress in business casual. The hourly staff wear Hudson logo
- 5 shirts.
- 6 7. I am responsible for managing the Hudson retail locations in Terminal A.
- 7 8. The management structure is comprised of the General Manager ("GM"), Juan Alsina,
- 8 who is responsible for all three Newark Airport terminals. There is also an Assistant
- 9 General Manager ("AGM"), Joe Curbelo. There are only two Operations Managers in
- 10 Terminal A. I am the AM Operations Manager. During the PM Shift, there is one other
- 11 Operations Manager. We manage approximately 20-23 hourly Cashiers, Stock Persons,
- 12 and Supervisors.
- 13 9. As Operations Manager for the AM shift, I go to the office each morning to review
- 14 paperwork, including notifications from the night shift on operational issues - i.e. issues
- 15 with registers, inventory shortages, etc.
- 16 10. I try to do as much paperwork as early as possible so I can walk the stores to make sure
- 17 everything is properly set up, and make sure my hourly Supervisors are doing their jobs.
- 18 Sometimes my Supervisors stay in one store, sometimes they cover breaks or float around
- 19 the stores. I give my hourly Supervisors authority to move cashiers, and urge them to use
- 20 their own independent judgment whenever possible.
- 21 11. I also make a list for the day directing where each of the cashiers will work. I use
- 22 independent judgment by deciding where each cashier will work. For example, some
- 23 stores open at 4:00 AM, so I move all available cashiers to that store. Then at 4:30 AM
- 24 another store opens, which requires me to delegate a portion of my available cashier pool
- 25 to that store, and so on.
- 26 12. When employees call in sick, they are supposed to call me or the AGM two hours in
- 27 advance. If we are extremely short-handed, I will call in other off-duty cashiers to come to
- 28 work. I basically manage the situation the best way I can. I will even pull stock people to

1 place on registers in a pinch, which is why I like to train stock personnel to use cash  
2 registers.

3 13. If a Cashier has to leave early, they must notify me. I will then make coverage  
4 arrangements. I do NOT have to run this by the AGM or GM. I make the decision right  
5 there.

### 6 **Training and Discipline**

7 14. At all times, I am responsible for and overseeing the performance of staff members'  
8 duties.

9 15. I constantly instruct my staff to upsell and provide the best customer service – for  
10 example, I make sure they smile all the time and handle all customer requests. I am  
11 accountable for customer service at all times for those I manage, as well as the cleanliness  
12 of my stores.

13 16. If employees are not doing their job properly, I will counsel them. If they continue to  
14 perform poorly, I will recommend termination. For example, a few months ago I had to  
15 constantly remind a new Cashier to upsell and not read magazines in the store. Even  
16 though I spoke to him several times, he still did not follow procedures. I therefore  
17 recommended termination. He was fired.

18 17. If a Cashier is short more than 5 dollars, I will give that Cashier a verbal warning. If the  
19 shortage is severe, I will report to the AGM. If it is a new cashier that is short a  
20 significant amount, I will recommend termination.

21 18. When employees are tardy, I am required to follow the Union contract provisions – i.e.,  
22 progressive discipline. I have regularly disciplined and terminated employees for repeat  
23 absences. Generally, I get a printout of absences once a month, and then give verbal  
24 warnings, written warnings, suspensions, and termination.

25 19. I also handle all customer complaints about merchandise and employees. If a customer  
26 complains about employee rudeness, I will talk to the employee and document it. If  
27 performance does not improve, I will eventually terminate. I apologize to the customer on  
28 behalf of the company.

-3-

1 20. When employees do not get along with each other, I handle the situation. Recently, a  
2 newsstand cashier refused to work with another cashier. I told her: *"either you work or go*  
3 *home; you cannot decide where you can work. You work where we need you."*

#### 4 **Hiring and Promoting**

5 21. I look for smart supervisors, who understand the workforce. I also prize the fastest  
6 cashiers.

7 22. If I need more staff, I will get in touch with HR. Then HR will send me a candidate. I  
8 conduct the interviews, and if I want to hire the individual, I will send an email to HR  
9 instructing them to hire the candidate as soon as possible. HR will do the paperwork.

10 23. Employees from other stores in the airport will often come and ask me for a job.

11 24. I inform the GM who the hardest workers in Terminal A are – and who should be  
12 promoted. For example, Mohammed Risz was a very hard stock worker, always pitching  
13 in extra to open stores. Mohammed was always available to come in when I called as  
14 well. I recommended his promotion. Mohammed was promoted to Supervisor.

#### 15 **Maximizing Sales**

16 25. As Operations Manager, I am accountable for maximizing sales. I therefore always make  
17 sure hot selling items are fully stocked, and that the warehouse is getting merchandise  
18 over regularly. Indeed, if there is a hot seller, I will call the Warehouse and tell them to  
19 buy more. Indiana Popcorn (all 3 flavors), for example, is a recent hot seller.

20 26. I am responsible for merchandising. If a product sells out, I cannot leave that space  
21 empty. I will go to warehouse to see products are available and will order new products,  
22 such as I Love New York t-shirts and souvenirs.

23 27. As a Hudson Manager, I get a cash bonus if we exceed sales goals by a certain amount. In  
24 2014, we beat sales goals at least 3-4 times.

1 I declare under penalty of perjury under the laws of the State of New Jersey and the United States  
2 of America that the foregoing is true and correct and that this declaration was executed this \_\_\_\_  
3 day of January, 2015, at Newark, New Jersey.

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# EXHIBIT 19



DLA PIPER LLP (US)  
1251 Avenue of the Americas  
New York, New York 10020  
Tel.: (212) 335-4500  
Fax: (212) 335-4501  
*Counsel for Defendants Hudson Group (HG) Retail, LLC  
and Airport Management Services, LLC*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
MOHAMMED NABI and RIFAT RIZVI,  
*on behalf of themselves, FLSA Collective  
Plaintiffs and the Class,*

Plaintiffs,

Case No. 14 CIV 4635 (VEC)

-against-

ECF Case

HUDSON GROUP (HG) RETAIL, LLC,  
AIRPORT MANAGEMENT  
SERVICES, LLC and JOHN DOES 1-10,

Defendants.  
----- X

# DECLARATION OF MANSOOR SHAH

I, Mansoor Shah, declare as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently as to their accuracy.
2. I currently work for Hudson Group (HG) Retail, LLC as an Operations Manager at Hudson's Penn Station operations in New York, New York.
3. I have a graduate degree in Communications from a University in my native country of Pakistan.
4. Prior to working at Hudson, I was a Major in the Qatar Army.
5. I was hired by Hudson in 1995 as a Warehouse Associate at its Penn Station operations. In approximately 2000-2001, I was promoted to Warehouse Manager. I was promoted to Operations Manager approximately one year ago.
6. As both an Operations Manager and Warehouse Manager, I have always received a weekly salary which exceeds \$455 per week, and I have not experienced any deductions

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1 in salary for partial-day absences. My salary is not reduced for variations in the quality or  
2 quantity of my work.

3 7. Penn Station consists of seventeen (17) locations. Twelve (12) are located within Penn  
4 Station, two (2) are located at the Jacob Javits Center, two (2) are located at 33rd Street  
5 and one (1) is located at the World Trade Center.

6 8. I check into work using the Kronos system, which is an electronic thumbprint  
7 identification system. I do not clock or stamp out of work when I leave the facility.

8 9. Notices addressing employees' FLSA and overtime compensation rights are clearly and  
9 prominently posted on the main notice board, in front of the main entrance to the  
10 employee room.

11 **Operations Manager Duties**

12 10. I manage the Night Shift, which runs from approximately 9PM to 7AM. I am the only  
13 Operations Manager on duty during the Night shift. Edwin Soto, the General Manager  
14 ("GM") rarely supervises or directly watches over me.

15 11. The GM is not on duty at night. I therefore act as his eyes and ears. At the end of the  
16 Night shift, I debrief the AM Operations and Human Resources Managers, letting them  
17 know if there are any employee or customer issues that need to be followed through on.

18 12. My management style is reasonable and tempered. Under my direction is an hourly  
19 Supervisor, Qazi Furguan, and approximately thirteen (13) other hourly Sales Associates,  
20 Expeditors, and Dunkin Donuts employees.

21 13. I am responsible for managing Store No.'s 1, 3, 4 and 8. While I move around to all the  
22 stores, I pay particular attention to Store No. 3, which is the busiest store during the Night  
23 shift. From Store No. 3, I command all the stores by telephone, and will physically visit  
24 other stores when necessary to handle serious issues, such as cash register malfunctions,  
25 customer complaints, or unruly drunk patrons.

26 14. If, for example, there are merchandise problems or shortages, I direct Sales Associates to  
27 fix or replenish the product. I handle customer complaints, and ensure that everyone



1 under my direction is giving the best possible service to our customers. I will also handle  
2 more difficult situations involving drunk or violent customers.

3 15. As Operations Manager, I independently determine which staff members are assigned to  
4 which stores. I make my decisions based on the strengths of staff members and the needs  
5 of each store. For example, I know that Mr. Furquan is a very capable worker, so I  
6 generally assign him to our busiest locations - Store No.'s 3 and 4.

7 16. I also independently determine which staff members go on break and ensure there is  
8 sufficient coverage throughout the locations.

9 17. I handle all voids and return of store items. I am accountable for protecting company  
10 assets. I also independently conduct spot checks on Sales Associates' registers. If there is  
11 a shortage, I will report to the Bookkeeping Manager and the GM. My report will trigger  
12 an investigation, and lead to more random spot checks of that Sales Associate. I will also  
13 keep a closer eye on that Sales Associate. The spot check is just one of the ways I make  
14 sure the hourly staff are doing their jobs properly.

15 18. I am responsible for customer satisfaction and held accountable if my staff does not  
16 follow company policy. I therefore ensure that Sales Associates are giving the best  
17 customer service, following the Travelers Best Friend policies, smiling at customers,  
18 keeping the stores neat, clean, and stocked, and upselling at checkout.

19 19. I gather customer requests and desires, and regularly give the GM recommendations on  
20 ways to maximize sales, such as placing Godiva Chocolates at the front of the stores  
21 during the winter holiday seasons. (Godiva Chocolates alone accounted for  
22 approximately \$21,000 in sales last year.)

23 20. I attend monthly manager meetings, which are attended by all managers (PM and AM),  
24 where we discuss sales, customer service, upcoming promotions and programs,  
25 minimizing shrink, inventory expectations, general operational issues, and more.

26 21. I am responsible for training all new Night employees, and generally spend two weeks  
27 training each new Cashier, Expeditor, and Sales Associate. I train them in a number of  
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1 areas, including how to use the cash registers, watch for shoplifting, learning the  
2 merchandise names, pricing, and how to deal with difficult customers,

3 **Discipline/Hiring/Promotion**

4 22. I provide input regarding staff to the GM and have the authority to make  
5 recommendations to him regarding the hiring, discipline (up to termination),  
6 advancement, and promotion of the hourly staff. I am authorized to discipline employees.  
7 If the misconduct is serious, I will recommend that the employee be suspended. I have  
8 reported employees that were not following company policies and have made  
9 recommendations for discipline and/or suspension.

10 23. For example, I sent home an associate named Mohammed Asad for coming to work  
11 unshaven and without his Hudson name badge. On another occasion, Mohammed Asad  
12 acted abusively toward a fellow employee. As a result, on August 25, 2010, I reported  
13 Mohammed Asad's inappropriate actions to the GM in writing and requested that the  
14 company take "immediate action." The employee was later fired.

15 24. On April 15, 2010, I wrote up another employee named Waqar Mahmood for repeatedly  
16 failing to wear his name badge.

17 25. I was also involved in the discipline and the firing of a Senior Sales Associate named  
18 Muhammad Afaq. Based on my recommendation, Mr. Afaq was disciplined for  
19 insubordination. As one of his managers, I attended a January 25, 2010 management  
20 meeting with Mr. Afaq's Union representative and other Hudson managers to discuss his  
21 misconduct, which included punching in too early, screaming and shouting at coworkers,  
22 and sleeping during his shift. I submitted a written report of Mr. Afaq's behavior, who  
23 was therefore suspended without pay. Mr. Afaq was later terminated on June 8, 2010 for  
24 stealing cigarettes from the company. As his manager, I was involved in this decision as  
25 well.

26 26. If an employee is doing an excellent job, I will (and have often) recommended to the GM  
27 that he or she be given a raise or a Hudson Thank You Card with gift certificate. For



1 example, based on my recommendation, an associate named Mehta Manharlal was given  
2 an increase to his hourly rate.

- 3 27. I prefer to promote highly educated individuals, as they are more motivated to succeed.  
4 About one-and-a-half year ago, I recommended that Mr. Furquan be promoted from a  
5 Sales Associate to Supervisor. The GM acted on my recommendation, and Mr. Furquan  
6 was promoted. I now keep a sharp eye on him to see if he is diligent, intelligent, and  
7 honest enough to be recommended for the next level - Operations Manager.

8 **Warehouse Manager Duties**

- 9 28. There are two warehouses at Penn Station. One is located in a back corridor on the  
10 Amtrak level of Penn Station, a few hundred feet away from the General Manager's  
11 office. Another warehouse is located on 30th Street, near Penn Station. Merchandise  
12 shipments are received directly from the vendors and are not screened by authorities at  
13 Penn Station. Product is received at a common loading dock and moved to either the  
14 Warehouse or a staging area for further distribution. As Warehouse Manager, I oversaw  
15 that process.

- 16 29. As Warehouse Manager, I was also responsible for directly supervising at least 2 to 3  
17 Warehouse Associates at a time.

- 18 30. I was held accountable for the proper management and performance of my staff. If  
19 Newspapers and other merchandise were not distributed properly I was responsible. I  
20 therefore supervised and instructed Warehouse Associates on where to distribute the  
21 Newspapers and other merchandise and how to properly execute the distribution. In order  
22 to maximize sales and ensure profitability, I also monitored the different locations to make  
23 sure the associates were doing their job, that the expired newspapers had been removed,  
24 and that the new newspapers were properly displayed and stocked. I also made sure there  
25 were no shortages.

- 26 31. As Warehouse Manager, I was accountable for closing out the registers in Store One (1)  
27 located at the Penn Station location. Only managers, who must enter a manager's ID, had  
28 the authority to close out a register. When closing a register, I left \$300 in the register and



1 brought the remainder of the money to the GM's office. The cashier counted out the \$300  
2 and I verified that the amount is correct.

3 32. I was also responsible for monitoring merchandise levels in Store Eight (8), which is open  
4 twenty-four hours a day. As Warehouse Manager, I visited Store Eight (8) approximately  
5 three to four times each night.

6 33. I generally kept an eye on my hourly Warehouse employees. I directed them on how to  
7 return expired newspapers to the warehouse and prepare merchandise to be returned to the  
8 vendors. I also placed newspaper orders with the vendors. I used independent judgment  
9 and discretion by keeping track of what newspapers sell and making adjustments to the  
10 orders accordingly. As Warehouse Manager, I was responsible for counting the incoming  
11 orders and verifying that they are correct. If there was a shortage or overage, I placed a  
12 call to the vendor to correct the situation. I kept records of my conversations with the  
13 vendors and records of who I spoke to and at what time.

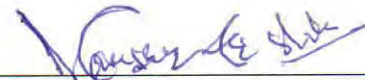
14 34. As Warehouse Manager, I was also accountable and responsible for minimizing shrink. I  
15 constantly counted the warehouse inventory. I also recounted the returns that came back  
16 to the warehouse from the store locations. I did this to make sure that the number of  
17 expired newspapers the cashier indicated he sent back was accurate before seeking a  
18 refund from the vendor.

19 35. I also filled out the newspaper return sheets and duly check the credit refunds. For  
20 example, National Distribution Alliance ("NDA") return sheets are filled out and sent to  
21 the NDA. I got the refund credit invoices, which I checked against the return sheets we  
22 already sent. I tallied the quantity of the return and its price. If there was any difference I  
23 asked the vendor for credit of the item. Similarly, I sent out recaps of all the newspapers  
24 that included how much was received and how much was returned.

25 36. As Warehouse Manager, I was responsible for training employees. I taught associates  
26 how to do basically everything involved in their position, including how to properly  
27 bundle and distribute newspapers, and how to display newspapers according to particular  
28 vendors' specifications. I also trained some associates on how to operate the cash register

1 in the event that there was a shortage, and a Warehouse Associate was needed to cover the  
2 floor. These associates also received training regarding the proper policies and procedures  
3 on dealing with customers. If I assisted my staff in their work, I did so independently,  
4 without being told to do so, and not based on any schedule.

5  
6 I declare under penalty of perjury under the laws of the State of New York and the United States  
7 of America that the foregoing is true and correct and that this declaration was executed this \_\_\_\_  
8 day of \_\_\_\_\_, 2014, at New York, New York.

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# EXHIBIT 20



MOHAMMED NABI and RIFAT RIZVI,  
*on behalf of themselves, FLSA Collective  
Plaintiffs and the Class,*

Case No. 14 CIV 4635 (VEC)

ECF Case

HUDSON GROUP (HG) RETAIL, LLC,  
AIRPORT MANAGEMENT  
SERVICES, LLC and JOHN DOES 1-10,

## DECLARATION OF GURPREET SINGH

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently as to their accuracy.
2. I currently work as Warehouse Manager at Hudson's Grand Central Station operations in New York, New York.
3. I was initially hired as an Expeditor at Hudson's Grand Central Station operations on January 18, 2001. In 2004-2005 I was promoted to Warehouse Manager.
4. I have a Master's of Science Degree from Guru Nanak Dev University in Punjab, India, and a Bachelor's Degree in Education from Punjab University. I previously worked as a Science Teacher in India.
5. Since I began work as a Hudson Manager, I have received a weekly salary which exceeds \$455 per week. I have not experienced any deductions in salary for partial-day absences. My salary is not reduced for variations in the quality or quantity of my work.

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- 1 6. I check into work using the Kronos system, which is an electronic thumbprint  
2 identification system. I do not clock or stamp out of work when I leave the facility.
- 3 7. Notices addressing employees' FLSA and overtime compensation rights are clearly and  
4 prominently posted on the employee poster board located in the employee locker room.
- 5 8. As a Warehouse Manager, I dress in business casual. The hourly staff wears Hudson logo  
6 shirts.
- 7 9. Hudson's Grand Central Station operations consist of five (5) retail locations. Two (2)  
8 retail locations are located within Grand Central, open seven days a week during both the  
9 day and the evening. The other three (3) locations are in office buildings located at 335  
10 Madison Avenue; The Biltmore and 347 Madison Avenue and are open weekdays during  
11 both the day and night.
- 12 10. As Warehouse Manager, I am in charge of the off-site warehouse located on 43rd Street,  
13 between 1st and 2nd Avenue. There is another warehouse located within Grand Central  
14 Station, which is managed by Warehouse Manager Samuel Trani.
- 15 11. I supervise two warehouse associates, and spend at least half my time performing  
16 managerial duties, directing employees on how to receive inventory, how to return  
17 products to vendors, and how to display the merchandise in the retail stores.
- 18 12. I work in the off-site warehouse and rotate amongst retail store locations throughout the  
19 work day. In the retail stores, I assist customers and determine whether any of the stores  
20 need restocking/replenishment of newspapers.
- 21 13. I perform management duties on a daily basis, ensure customer satisfaction, and direct my  
22 staff in a number of ways, such as in how to minimize shrink (i.e. shoplifting) in the stores  
23 and how to properly implement company policies like customer service. Overall, I am  
24 responsible for making sure everything is done on a timely basis. I also instruct my staff  
25 on how to deliver stock to the different retail locations.
- 26 14. I utilize independent judgment and discretion when performing my duties. For example, I  
27 am responsible for newspaper inventory and making sure the warehouse is properly  
28 stocked. I then have the inventory separated so that it can be delivered to the retail

1 locations. After I receive product from the vendors, I review the invoice, verify that the  
2 order is correct, and make sure there are no shortages or overages. If there are inventory  
3 discrepancies, I contact the vendor to correct and/or modify company invoices with  
4 credits, advise the company's bookkeepers to pay revised amounts, and otherwise work to  
5 correct vendor mistakes.

6 15. If an employee is insubordinate and/or does not follow instruction, I have the authority to  
7 give verbal warnings, correct employee behavior, and will report the employee to the  
8 General Manager for formal discipline. For example, approximately one month ago,  
9 Expeditor Jack Biakite was being insubordinate. He insisted on performing tasks his way  
10 rather than follow instructions. I verbally warned him that if he continues down this road  
11 I will see to it that he is formally disciplined. His work behavior has since improved. In  
12 any event, the General Manager will seriously consider my recommendations as to  
13 employee performance and/or discipline.

14 16. As a Warehouse Manager, I have the authority to recommend on hiring. For example, one  
15 of my previous Expeditors, Angel Garcia, was recently released from his position. I  
16 therefore recommended that Sudhir Barot be hired to replace him as my new overnight  
17 Expeditor. The General Manager acted upon my recommendation, and Mr. Barot works  
18 under me now.

19 17. I also train new employees. For example, I am responsible for training warehouse staff on  
20 how to receive, distribute and display inventory. Additionally, I train cashiers on how to  
21 operate the cash register and on how to implement Hudson's policies regarding customer  
22 service. I also train employees on how to offer customers alternative products (i.e.  
23 upselling), properly display magazines, and position merchandise and products.

24 18. As Warehouse Manager, I am also responsible for maximizing sales for the company. I  
25 use independent judgment and discretion in keeping track of the inventory and knowing  
26 how much product moves from each store. For example, different newspapers sell better  
27 in different retail locations and it is my duty to track these sales and have the stores  
28 stocked accordingly. I also conduct regular inventories with my warehouse staff.

19. As Warehouse Manager, I also prevent losses (i.e. "shrink") in the warehouse by making sure all employees follow company policy, and have their bags checked in the locker room before entering the warehouse.

20. As Warehouse Manager, I also field customer complaints and requests. Customers often complain about the lack of certain newspapers in stock, which I work to resolve. If the complaint is about a cashier, I will deal with the customer, try to make him or her happy, and then speak to the cashier afterwards about following company rules. If the complaint is about being shortchanged, I have the authority to conduct a spot check to determine whether the customer received the correct amount of change.

21. I also appraise employee productivity. For example, if staff are going above and beyond, I will praise them and let the General Manager know about their good work and recommend that they receive a \$25 Gift Card.

22. The Warehouse Managers independently decide how many people are needed on a given day, create an initial schedule, and give it to the Assistant General Manager for final approval. If any warehouse employee calls out of work, they notify a Warehouse Manager. A Warehouse Manager then informs the Assistant General Manager so that she may find a replacement.

23. I am a fair and measured manager, and watch out for my staff. My supervisor is the General Manager, who does not constantly watch or supervise my daily activities. I also provide input and have the authority to make recommendations to him regarding the hiring, discipline (up to and including termination), advancement, and promotion of the hourly staff.

I declare under penalty of perjury under the laws of the State of New York and the United States of America that the foregoing is true and correct and that this declaration was executed this 30 day of DEC, 2014, at New York, New York.



GURPREET SINGH

# EXHIBIT 21

DLA PIPER LLP (US)  
1251 Avenue of the Americas  
New York, New York 10020  
Tel.: (212) 335-4500  
Fax: (212) 335-4501  
*Counsel for Defendants Hudson Group (HG) Retail, LLC  
and Airport Management Services, LLC*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
MOHAMMED NABI and RIFAT RIZVI,  
on behalf of themselves, *FLSA Collective*  
*Plaintiffs and the Class,*

Plaintiffs,

Case No. 14 CIV 4635 (VEC)

-against-

ECF Case

HUDSON GROUP (HG) RETAIL, LLC,  
AIRPORT MANAGEMENT  
SERVICES, LLC and JOHN DOES 1-10,

Defendants.  
----- X

# **DECLARATION OF EDWIN SOTO**

I, Edwin Soto, declare as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently as to their accuracy.
2. I currently work as the General Manager ("GM" or "General Manager") of Hudson's Penn Station operations in New York, New York.
3. I was hired by Hudson in approximately October 2005 to work as the General Manager of Hudson's Union Station operations in Washington, D.C. I was subsequently transferred to work as General Manager at Newark Penn Station. In March 2010, I was transferred to work as the General Manager of Hudson's Grand Central Station operations. I was later transferred to work as the General Manager of Hudson's Penn Station locations.
4. Prior to joining Hudson, I was a salaried District Manager for Faber, Coe, and Gregg, a retailer for news, gifts and books.
5. Since I began work as a Hudson General Manager, I have received a weekly salary which exceeds \$455 per week, and I have not experienced any deductions in salary for partial-

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1 day absences. My salary is not reduced for variations in the quality or quantity of my  
2 work.

3 6. Hudson's Penn Station operations consist of seventeen (17) locations. Twelve (12) are  
4 located within Penn Station, two (2) are located at the Jacob Javits Center, two (2) are  
5 located at 33rd Street and one (1) is located at the World Trade Center.

6 7. Notices addressing employees' FLSA and overtime compensation rights are clearly and  
7 prominently posted on the main notice board, in front of the main entrance to the  
8 employee room.

9 8. My Managers check into work using the Kronos system, which is an electronic  
10 thumbprint identification system. They do not clock or stamp out of work when they  
11 leave the facility. The hourly staff clock in and out using the Kronos system.

12 9. My Managers generally dress in business casual. The hourly staff wear Hudson logo  
13 shirts.

14 10. I believe in a lean Management team. In my opinion, having fewer Managers leads to  
15 more effective leadership, because there are less people to point fingers at and more  
16 accountability. I take a hands-off approach to management at Grand Central Station. I  
17 will occasionally step in if necessary, but overall I let my Managers do the job they are  
18 paid to do. As General Manager, I have the flexibility to determine how many hours my  
19 Managers work. I generally schedule my Managers to work five to six days a week,  
20 which I believe allows them to manage most effectively and achieve optimum efficiency.

21 11. During the AM shift, there are approximately 8-9 Managers supervising 60-70 hourly  
22 staff, including Sales Associates and Expeditors.

23 12. I spend a substantial part of each day in the office, performing General Manager duties.  
24 When I am in the office I am busy signing off on paperwork, approving payroll,  
25 responding to emails from different corporate departments, communicating with buying  
26 departments, responding to deadlines and calendar items, obtaining and reporting sales  
27 figures, communicating with my Regional Manager, counting monies received on a daily  
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1 basis, matching receipts and sales data with moneys received, and producing sales reports  
2 on receiving, inventory, damages, etc.

3 13. I also regularly prepare Perpetual Inventory Reports, which address current inventory  
4 levels, weekly inventory changes, overall store inventory levels, warehouse inventory  
5 levels, opening inventory, branch purchases, gross profit percentages, accounts receivable,  
6 markdowns/discounts, closing inventory figures, annual sales and inventory figures, and  
7 more. In preparing the Perpetual Inventory Reports, I rely on accurate sales and inventory  
8 figures from my Managers on newspapers, magazines, beverages, cigarettes/tobacco,  
9 books, candy/confections, souvenirs, apparel, phone cards, accessories, gifts, travel items,  
10 electronics, stationery, food, snacks, and more.

11 14. I value and seek a number of qualities in my Managers, including leadership, good work  
12 ethic, responsibility, accountability, and motivation. Responsibility and motivation are  
13 my two biggest requirements. My stores cannot operate successfully without responsible  
14 and motivated Managers. These are the qualities I recruit for in new Managers. For  
15 example, I knew from my experience as GM at another Hudson facility that Warehouse  
16 Manager Samuel Trani had these qualities. I therefore worked to get him transferred to  
17 the Grand Central Station Operations when I was GM there. I also saw these qualities in  
18 Oscar Umana, which is why I promoted him from warehouse clerk to Warehouse  
19 Manager. Oscar is now Operations Manager at Grand Central.

20 15. My floor Managers are my eyes and ears. Since they are the ones on the selling floor or in  
21 the warehouse directly supervising the hourly staff, I highly value and consider all of their  
22 suggestions and recommendations regarding hiring, discipline (up to and including  
23 termination), advancement, and promotion of the hourly staff.

24 16. I hold periodic meetings where I receive input on the operations from my Managers, and  
25 also discuss customer service, if there is a drop-off in sales, disciplinary actions,  
26 merchandising displays, and more.

27 17. Since my floor Managers are on the selling floor, I also depend upon them to make the  
28 right decisions. I give my floor Managers a lot of leeway to manage as they see fit, and let

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1           them assume a great degree of responsibility. For example, if I am walking around to the  
2           different locations and notice something is out of place or a sales associate is not properly  
3           doing their job, the vast majority of the time I will not directly reprimand or communicate  
4           with the sales associate. I will find my floor Manager and tell him or her about the issue.  
5           I take this approach because I don't want to undercut my floor Managers' authority with  
6           their hourly staff, and because I want the corrections and training to come from my floor  
7           Managers directly.

8           18. My floor Managers can send employees home for serious offenses, such as stealing or  
9           fighting with customers, and I will back up their decisions 100% of the time. If a manager  
10          has an issue with an employee, whether it is for tardiness or insubordination, the manager  
11          writes up the incident, I review it, sign off on it, and then bring it to the attention of the  
12          union. No disciplinary action can be taken without a representative of the union present.  
13          However, I always follow my manager's recommendations as to discipline and present  
14          that to the union representative.

15          19. The practice in this regard was much different when I was a General Manager at Hudson's  
16          Union Station operations in Washington, DC. There is no union in Washington, DC so  
17          Operations Managers and I would present written warnings to employees directly, without  
18          the presence or assistance of a union representative.

19          20. My floor Managers are responsible for ensuring hourly employees perform their duties  
20          and follow company rules. They are authorized to give verbal warnings, send employees  
21          home for not following policies, and conduct spot checks of employee cash registers. I  
22          only get involved if the issue is a repeat problem or becomes more serious. If there is a  
23          repeat problem, I sit and meet with the associate and his or her floor Manager. Usually  
24          the issues involve repeat infractions or poor customer service, repeatedly not following the  
25          uniform policy (my Managers can and do send employees home for this without  
26          consulting with me), taking long breaks, not punching out for breaks, not wearing name  
27          badges, excessive absences, etc. No insubordination is allowed, and I make clear that the  
28          associate must follow the Manager's directions.



1 21. Even as the GM, I cannot independently fire an hourly employee because they are union  
2 bargaining unit members, and there is a grievance process dictated by the collective  
3 bargaining agreement in place at Grand Central.

4 22. I expect my floor Managers to handle day-to-day employee and operational issues,  
5 especially when I am working in the General Manager's Office. From there I cannot  
6 directly observe how my Floor Managers are running the operations, and therefore rely on  
7 them to rotate amongst the stores, supervise product and book placement, check on  
8 promotions, make sure there is enough stock, that it is rotated properly, open and close  
9 stores and registers, conduct spot checks, check on the day-to-day operations, and more.

10 23. I hold my floor Managers accountable for properly directing their hourly staff and  
11 correctly managing breaks, because this has a direct impact on the profitability and  
12 success of the operations. My Operations Managers therefore create the initial work  
13 schedules for the associates (which are approved by the AGM) and are responsible for  
14 making sure the shifts are properly staffed.

15 24. With respect to accountability, I depend on my floor Managers to make sure that stores  
16 are open on time and fully stocked. I also depend on them to ensure customer service is at  
17 the highest levels, and to teach the associates customer service skills. I believe you have  
18 to build good work and customer service habits constantly, and since I cannot be  
19 everywhere on the floor, I rely on my floor Managers to build such habits daily with the  
20 associates. All of my floor Managers are involved in training new associates. I therefore  
21 expect my floor Managers to be familiar with and able to perform associates' work duties  
22 so they can properly train associates.

23 25. I also depend on my floor Managers to lead the associates, to make sure they do the right  
24 things, and to follow company policies, etc. All of these behaviors directly impact our  
25 success in sales, and if my floor Managers did not show up, we would be unable to  
26 properly supervise the stores, which would cause us to lose significant sales.

27 26. I value floor Managers who meet these criteria not just because it is good for the overall  
28 business, but also because my bonus depends upon Penn Station's overall profitability,



1 sales, controlling shrink, and more. From an operational standpoint, I also need my floor  
2 Managers to develop good relationships with our landlord's representatives so that we can  
3 quickly get fixtures put in place and repairs handled.

4 27. I rely on all of my Operations Managers to create workable schedules for the associates so  
5 that the stores are properly staffed. If they don't properly schedule the staff, then stores  
6 may become understaffed during rush hours, forcing them to perform associate duties and  
7 taking their attention away from management duties. I hold my Managers accountable if  
8 this happens. My Managers are never scheduled to perform associate duties, and only fill  
9 in where there is an emergency.

10 28. If a rush hour is not properly staffed or managed, long lines will form and customers will  
11 leave without completing a sale. I expect my Operations Managers to know when the  
12 rush hours are, and to properly schedule their staff so that a sufficient number of registers  
13 are open and ready to ring up sales.

14 29. When I was GM of Grand Central, my "go-to" Operations Manager during the PM shift  
15 was Naeem Haider. I was not around in the evenings and neither was my AGM. Naeem  
16 was excellent at ensuring customer service. He understood how to handle different  
17 situations when I was not around. For example, if there was an emergency like a leaking  
18 ceiling, he would see that it was fixed. If a clerk got sick during work hours, he would  
19 handle the situation and make sure to call an ambulance. If there was a publisher coming  
20 into the operations in the evening who needed special attention, I would rely on Naeem to  
21 make sure the displays are set up properly, take care of the publisher, and walk him  
22 around to the different locations.

23 30. While the AGM and I are ultimately responsible for approving the hiring of an individual,  
24 my Operations Managers also have Human Resources responsibilities. For example, they  
25 will receive employment applications and pre-interview candidates (for about 5-10  
26 minutes) to determine whether the candidate will be sent up to me. (Throughout the day  
27 and evening, there are many walk-in applicants seeking employment.) I direct my  
28 Operations Managers that if they approve of the applicant to send them to me. Almost all

1 the hourly staff we hired are based on recommendations from the floor Managers. Each  
2 Manager decides who to send up based on their own criteria. I will generally (about 65-  
3 70% of the time) hire somebody that has been sent to me for a second interview by the  
4 Floor Managers.

5 31. I rely on my Operations Managers to train hourly staff; if they are not providing good  
6 customer service, they are to pull him or her aside and give instruction on how to better  
7 meet customers' needs. They are also responsible for training and coaching new  
8 employees in the day-to-day performance of their duties, and giving daily training to  
9 current employees regarding proper customer service.

10 32. I seriously consider my Operations Managers' input on employee performance.

11 Operations Manager Naeem Haider, for example, previously informed me that Lenny  
12 Laure was a great associate, worked fast, was doing a great job, and recommended that  
13 she receive a gift card, which I acted upon.

14 33. No Managers at Penn Station or Grand Central (including myself) perform official  
15 employee reviews of the hourly staff, because their employment, wages and raises are  
16 governed by a collective bargaining agreement. In my past GM positions at Newark Penn  
17 Station and Union Station, my Managers conducted the performance evaluations, which  
18 were reviewed and signed by me. I believe in this management style, because with a large  
19 staff you cannot effectively evaluate associates' performance, and in some cases it may  
20 not be fair to the associate because the GM is not always on the floor directly observing  
21 their work.

22 34. My Managers are responsible for maximizing sales and directing their staff properly, and  
23 are held accountable if they do not. I also previously suspended Plaintiff and Operations  
24 Manager, Rifat Rizvi, for three days for sending more than one cashier on break at the  
25 same time.

26 35. My Operations Managers are also responsible for handling customer complaints about  
27 Sales Associates, merchandise, products, etc. They must make decisions immediately and  
28 on the spot. We cannot have the customer wait for issues to be resolved, and I depend

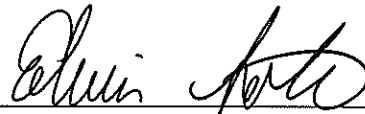
1 upon my Managers to make the right judgment call. They must make judgment calls on  
2 how to keep customers coming back.

3 36. My Operations Managers are accountable for the proper display and merchandizing of  
4 retail products. If I notice that a display is set up improperly, I call the Operations  
5 Manager and reprimand him or her. I hold the Operations Manager responsible and it is  
6 their responsibility to get it fixed.

7 37. At Grand Central, my Operations Managers filled out a logbook at the close of the  
8 operations, which addressed various operational issues including those which are out of  
9 the ordinary. For example, my Operations Managers will report on uncommonly slow or  
10 fast sales activities on certain items, customer service issues, internal shrink monitoring  
11 and actions (i.e. placing seals on warehouse door locks), hourly employee call-outs,  
12 money drop issues, and more.

13 38. Iqbal Khan was a former Operations Manager at Penn Station, who I held accountable for  
14 staff performance. As Operations Manager, he regularly performed the same duties of my  
15 other Managers as described above.

16 I declare under penalty of perjury under the laws of the State of New York and the United States  
17 of America that the foregoing is true and correct and that this declaration was executed this 15  
18 day of January, 2015, at New York, New York.

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21 EDWIN SOTO  
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